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ELECTION OF UNITED STATES SENATORS BY THE PEOPLE.

BY EMMET O'NEAL.

THE division of the legislative department into two separate and independent branches was so strongly recommended by the teachings of political history and the unequivocal language of experience, that it obtained the general approval of the Convention that framed the Constitution of the United States. From the earliest records of time, from the history of every government, the great political truth had been deduced that a single legislative assembly had always encroached upon constitutional rights, had always gradually absorbed all power, and had uniformly terminated its career in a legislative oligarchy, which united in itself all the extremes of bad government.

Yet, although there was no division of sentiment as to the necessity of two chambers, in the organization of the Senate the widest and apparently most irreconcilable conflict of sections, interests and opinions was developed. The small States were unwilling to consent to a Senate which gave greater representation and a preponderating influence to the large States. So bitter was the struggle that it seemed probable at one time that the Convention would adjourn without completing its labors. It was at this critical period in its history that Franklin offered his celebrated motion that the deliberations of the Convention be opened with prayer; and the agreement which was so soon afterwards reached on questions which had provoked the widest differences of opinion gave basis for the claim, made by some, that divine guidance was evident in the subsequent deliberations of the Convention.

Certain it is that the local jealousies, the struggle of interests, the conflict of sections and the selfish and intolerant feeling

which had so often been manifested gave place to a spirit of conciliation and compromise, and a broader and deeper national sentiment which speedily composed faction and secured united action.

The Senate of the United States has been termed the masterpiece of the Convention. Its creation was not the result of previously formed plans. Emerging from the deliberations of the Convention as the result of compromises made between sovereign and independent States, vested with both legislative and executive functions, its formation was less the result of theory than, in the language of its framers, "of a spirit of amity and of mutual deference and concession, which the peculiarity of the situation of the United States rendered indispensable."

Three schemes presented themselves to the Convention as to the mode of appointment of Senators; one was by the legislature of each State; another was by the people thereof; and a third was by the other branch of the National Legislature, either directly or out of a secret nomination. The last scheme met with no support, nine States voting against it and one being divided. The second scheme, of an election by the people, met with as little favor. The first scheme, that of an election by the legislature of each State, prevailed by a unanimous vote.

Mr. Bryce, in his "American Commonwealth," said:

"The method of choosing the Senate by indirect election has excited the admiration of foreign critics, who have found in it a sole and sufficient cause of the excellence of the Senate as a legislative and executive authority."

Such also, until of late years, seems to have been the American opinion; but careful observers of political tendencies cannot have failed to notice that, for the past decade or more, a movement towards more direct action by the people, acting in their primary capacity in matters of legislation as well as the selection of public officials, has made itself manifest. Although the Senate has made itself eminent and respected, and has maintained an intellectual supremacy over the other co-ordinate branch of the legislative department; although it has fulfilled the ardent hopes and verified the profound wisdom of its creators by its ability to check what has been termed the "democratic recklessness" of the House on the one hand, and the tendency to Executive usur-

pation on the other; has performed all its functions with marked ability, patriotism and efficiency; and has drawn into its ranks the most distinguished men who have entered public life, yet in recent years a powerful movement has been growing to destroy the very feature which, in the judgment of all former students and critics, has been the chief cause of its excellence—the *indirect election of its members*.

The steady growth and increasing strength of this movement is one of the most significant manifestations of modern political tendencies. The truth of this observation was forcibly illustrated a few years ago, when the House of Representatives, without debate, passed a resolution to submit to the States an Amendment making Senators elective by direct vote of the people.

Is the growth in popular favor of this method of electing Senators due to a loss of faith in the wisdom of the Constitution-makers and to an honest conviction that it would elevate the tone of the Senate and increase its efficiency and usefulness? Or is it but a manifestation of the advance of that spirit which, pretending to be democratic, would ignore the checks and balances of the Constitution, and subject every department of the Government to direct popular control? Have the lurid headlines of yellow journalism as to the treason of the Senate—the irresponsible utterances of those whose sorry rôle is to pander to the morbid appetite for the sensational—so affected the public mind that the American people are ready to welcome any change, however radical?

Does the support which has been given to the suggestion of a method of electing Senators which would essentially change the character of the Senate as conceived by the framers of the Constitution, indicate a popular endorsement of the charges which have been made, that the Senate had from its formation failed to meet the just expectations of the people, that it had of recent years become the citadel of corporate power and of "predatory wealth," and that the State legislatures had proven themselves unfit to remain longer the depositories of the power vested in them by the Constitution?

Whatever may be the causes that have conspired to create this dissatisfaction with the method of electing Senators provided by the Constitution, it is clear that the advocates of the proposed change have become so arrogant and intolerant, that he who would

challenge its wisdom or combat the arguments offered in its support incurs the risk of being classed as a traitor to the interests of the people, and denounced as the paid and selfish advocate of corporate greed.

Yet, if the proposed change of the Constitution is not supported by reason and justified by experience, if it would weaken our institutions, if the success of its advocacy has so far been due to selfish mandates of political expediency and is but the manifestation of popular unrest, if it has enjoyed temporary favor because its opponents have been seduced into a credulous silence and its advocates have been afraid to submit for public review the arguments in its favor, instead of deserving censure, he who exposes the folly of this change and the fatal consequences which would ensue from its success would be entitled to the thanks of all who desire to see our free institutions preserved unimpaired from the assaults of fanaticism and error.

While the opponents of this change may console themselves with the reflection that it has little prospect of being incorporated into a Constitutional Amendment, on account of the inherent and almost insurmountable difficulties which confront those who seek to amend our fundamental law, it must not be overlooked that this demand for the election of Senators by a direct vote of the people has become so powerful in many States as to practically nullify the provisions of the Constitution. By indirect methods, by party conventions and caucuses, and by the system of primary elections which prevails in many States, United States Senators are now in increasing numbers selected by direct vote of the people, and, even where the primary election system is not found, it is seldom that anything but a reduced freedom of choice remains in the State legislature.

A forcible illustration of this tendency may be found in the action of the Democratic party in Alabama. In 1906, the State Democratic Executive Committee ordered a primary election for the nomination of two United States Senators. At the same primary, they provided that two alternates, termed in common parlance "Senators-in-waiting," or "Senatorial pall-bearers," should be nominated by the popular vote; these alternates to be appointed by the Governor to fill any vacancy that might occur by reason of the death or resignation or other disability of the two Senators to be nominated and subsequently elected.

To make effective this unique and gruesome plan, the Committee required that the candidates for the nomination of Governor to be selected by the same primary should sign a written pledge to appoint to the first vacancy that might occur the alternate receiving the highest vote, and to the second vacancy the alternate with the next highest vote. In the event of the candidates for Governor declining to abdicate their Constitutional power, and sign the pledge, their names were to be omitted from the ticket to be voted at the primary, which under the law governing primaries in Alabama the State Committee alone had power to print and circulate. This arbitrary rule left the candidates for Governor no alternative but to sign the pledge or retire from the contest or bolt the party.

Another singular provision of the plan was that, while the candidates for Senator were required to receive the votes of a majority of the counties in the State, the alternates could be nominated by a bare plurality of the popular vote.

This plan is entitled to the distinction of being the first instance in the political history of the country where the Chief Executive of a State was coerced, by the arbitrary rules of a party committee, to abdicate one of the most important functions of his great office. He was forced in advance of his nomination to surrender a power vested alone in him by the Constitution of the United States. A more perfect system of party tyranny could not well be conceived.

By its repudiation of the Constitutional method of electing United States Senators, this plan not only manifested a mistrust of the legislature, but, what was more remarkable and significant, it evinced an utter want of confidence in the capacity of the Governor of the State to exercise wisely and properly a grave and important Constitutional duty.

It is evident, therefore, that the dominant political party in Alabama, not content to await the adoption of a Constitutional Amendment, has already proceeded, by its system of primary elections and party rules, to withdraw both from the legislature and the Chief Executive of the State, their Constitutional power to elect and appoint United States Senators. Not only Alabama, but a number of other States, in obedience to party policy or party demand, have abrogated the scheme of indirect election of Senators provided by the Constitution.

In order, however, to reach correct conclusions on this important question, it is necessary to examine briefly the origin of this demand for a change in our fundamental law, and the causes which have created it.

The demand for the election of Senators by direct vote of the people was first voiced in the platform of the National or People's party, in 1884. This platform demanded the reduction of the term of Senators by one-half and their election by a direct vote of the people. The same plank appeared in the subsequent platforms of the People's, or as it was afterwards called the Populist, party.

It was not till 1900 that the Democratic party, which in the contest in 1896 had practically absorbed the Populist party, yielded to the same demand and adopted the following plank in what was known as the Kansas City platform: "We favor an amendment to the Federal Constitution providing for the election of United States Senators by a direct vote of the people."

In view of these facts, no one can in fairness deny that the Populist party was the pioneer in this movement, or in justice withhold from it the meed of praise to which it is entitled for first discovering that the framers of the Constitution made a serious error in committing the election of Senators to the legislatures of the States.

The Populist party was composed of an amalgamation of the Greenback, Socialist and other political organizations. While its membership was largely composed of sincere and earnest men, its theories challenged every principle of sound economics and repudiated the fundamental doctrines on which our institutions were based. It believed that the United States was a government based on population, that numbers were its only element and a numerical majority its only controlling power. Hence, it believed that that system of government which obeyed the voice of the numerical majority was the wisest and best—an absolute democracy, without check or Constitutional limitation. This is conclusively shown by the policies advocated—"the initiative and referendum," the sub-Treasury, election of Senators, President, Vice-President and the Federal judges by direct vote of the people. A centralized and consolidated government, paternal in its character and socialistic in its doctrines, was the Populistic conception of the highest type of popular institutions. The

checks and balances which the Constitution had so carefully and wisely provided were to the Populist "a foolishness and a stumbling-block."

The Populist and other similar political organizations boldly denounced representative government. They did not hesitate to proclaim that experience for over a hundred years had shown that our system of vesting the entire law-making power in representatives had in its practical operation disfranchised the people; that from it had sprung all the abuses and corruption of government, and that the only remedy was to abolish the representative system by securing through the "initiative and referendum" the submission and adoption of all laws and public measures by direct vote of the people. Direct action by the people in all departments of the Government was the remedy they offered for all existing evils. The overthrow of the Constitutional method of electing Senators was but one step in this propaganda of reform. Their ultimate aim was the complete subversion of our whole system of representative government.

The practical absorption by the Democratic of the Populist party, in 1896, to a very considerable extent changed the character of both, creating a new party, which, while retaining the Democratic name, gave the stamp of Democratic approval to many of the doctrines and theories of the Populist organization. Yet, while many of the false and pernicious theories of Populism found lodgment in Democratic thought and expression in Democratic platforms, that great party is still true to its fundamental principles. If, "in moments of error and alarm," it has wandered from them, it is confidently believed that it will under the influence of an aroused Democratic conscience yet retrace its steps and "regain the road which alone leads to peace, liberty and safety."

But the question whether such a change is desirable can best be answered by a brief examination of the aims for which the Senate was created and the purposes it was designed to accomplish. These have been answered by James Madison, one of the greatest of the Constitution-makers, and may be summarized as follows:

1. The qualifications proposed for a Senator, as distinguished from a Representative, consist in a more advanced age and a longer period of citizenship. Their appointment by the State

legislature is recommended by the double advantage of favoring a select appointment, and of giving to the State governments such an agency in the formation of the Federal Government as most secures the authority of the former, forming a convenient link between the two systems.

2. Equality of representation in the Senate, the result of a compromise between the opposite pretensions of the large and small States. This being a compound republic, partaking both of the national and federal character, the government ought to be founded on a mixture of the principles of proportional and equal representation. This equality of representation was a Constitutional recognition of that portion of sovereignty remaining in the individual States, and an instrument for preserving that residuary sovereignty. Another advantage accruing from this ingredient of the Senate is the additional impediment it furnishes against improper acts of legislation. No law can be passed without a concurrence both of a majority of the people and a majority of the States. Excess of law-making is one of the diseases to which republics are most liable.

3. The Senate doubles the security of the people by requiring the concurrence of two distinct bodies in any schemes of usurpation and perfidy. The necessity of such a safeguard is indicated by the propensity of all single and numerous assemblies to yield to the impulses of sudden and violent passion, and to be led by factious leaders into intemperate and pernicious legislation. To correct this infirmity in legislation, the Senate is made less numerous than the House, and by its mode of selection and its longer tenure of office more independent. It secures a body of men who possess a more profound acquaintance with the objects and principles of legislation and government than can be expected of the other House, composed of men called from private pursuits, and generally continued in office for a short time, and led by no permanent motive to devote the intervals of public occupation to a study of the laws, the affairs and the comprehensive interests of their countrymen.

4. Such a body as the Senate prevents too great a mutability in the public councils which might arise from a rapid succession of new members. Practically one-half of the Representatives are changed at every election, and from this change of men must proceed a change of measures.

5. The Senate creates a select body of men with a due sense of national character. While it undergoes an unceasing process of gradual renewal, it does not change all at once, and is, therefore, a stable and permanent body and obtains the respect of foreign governments by maintaining an enlightened, wise and continuous policy, not subject to constant change. Being less numerous and changeable than the House, it results that a sensible degree of the praise and blame of public measures is the portion of each individual Senator. Invested with a durable public trust, they are more considerate of the effect of their measures as viewed by foreign nations and by the States of the Union, than would be a more numerous and changeable body, with a shorter tenure and selected directly by the people.

6. The Senate creates an additional body in the legislative department with sufficient permanency to provide such measures as require continued attention. It creates an institution which is necessary as a defence to the people against their own temporary errors and delusions.

All these objects which Mr. Madison has so forcibly outlined, the Senate has more or less perfectly attained. For over a century its membership has enrolled most of the illustrious names in American history. It has not, as Hamilton feared, lost its Constitutional authority by reason of the greater force and power of the immediate representatives of the people, but, on the contrary, has won the public confidence by its sustained intellectual supremacy, its patriotism and devotion to the public interests.

Unlike the House, it has preserved the freedom of debate and amendment, and has not surrendered its powers to the autocratic rule of its presiding officer. It has furnished a salutary and efficient check against hasty, rash and reckless legislation, has guarded the residuary rights of the States and curbed Executive usurpation. In all free governments, the cool, deliberate, mature judgment of the people will and should ultimately prevail. But there are periods in public affairs when, influenced by the misrepresentations or delusions of ignorant and misguided men, misled by false and pernicious theories, or yielding to some prejudice or passion, or lured from the paths of justice and rectitude by some popular impulse, "the people may call for measures which they themselves will afterwards be the most ready to lament and condemn."

In such critical moments, says Mr. Madison, how salutary will be the influence of such a body of men as compose the Senate, to check the misguided career of public opinion, "and to suspend the blow meditated by the people against themselves, until reason, justice and truth can regain their authority over the public mind."

The lessons of history warned the framers of the Constitution against the danger and folly of entrusting the legislative power to a single assembly. To maintain the real balance intended by the Constitution, some check had to be provided, and hence they formed the Senate, a co-ordinate branch of equal authority but different organization, possessing an independent negative upon the doings of the House. It is difference in organization, the indirect election of its members, which is in fact the Senate's most distinguishing feature, upon which largely depends the check on the action of the other House it was designed to accomplish. Removed one degree from the people by the method of selection, the members of the Senate are less liable to be swayed by sudden and temporary gusts of passion and excitement, and are more independent because the legislatures by which they are elected have ordinarily ceased to exist when their successors are chosen. Yet if the terms of office, the qualifications and the method of their election were similar to those of the House, it is evident that the check against all the evils of sudden and strong excitement, rash or dangerous legislation, which the framers of the Constitution designed to secure, would be either lessened or destroyed.

Since the adoption of the Constitution, fifteen Amendments have been made to that instrument. All these Amendments were limitations on the power of the majority, "restraints on the people's will, to protect the people's rights."

The proposed change is the very first serious effort ever made to alter the very framework of the Constitution, to break down the barriers which distinguish the Senate from the House, and to create two legislative chambers whose only practical difference will be in the tenure of the members. The principal argument offered in support of this change is that it will make the Senate more responsive to the popular will.

If this is the purpose to be accomplished, it would logically follow that the other demand of the Populist platform, that the

terms of Senators be reduced one-half, is equally entitled to support. The shorter the terms, the more frequent would be the elections, and hence the stronger would be the effect of public opinion. Elected directly by the people every two or three years, the Senate would quickly respond to every breeze of popular opinion—the madness, folly or passion of the hour; it would no longer check or correct hasty or inconsiderate legislation by the House; it would no longer secure that calm deliberation and consideration of every public measure so necessary to wise and just government. The Senate would act as the House acts; it would be led by the same common influences of ambition, of intrigue or passion, to the same disregard of the public interests, the same indifference to and prostration of private rights. Having secured a Constitutional Amendment reducing the tenure of office and making Senators elective by direct popular vote, the next step in the propaganda of reform would logically be the introduction and adoption of the system of “initiative and referendum.” All legislation being initiated by the people, the only remaining function of the Congress would be the reference of practically all matters of legislation back to the people for their approval or rejection at the polls. The reign of Populism and the utter prostration of representative government would be complete.

Mr. Calhoun, whose profound knowledge of the true theories of government no one can deny, said:

“It may be said that the very *beau idéal* of a perfect government is the government of the majority acting through a representative body, without check or limitation on its powers; yet, if we may test this theory by reason and experience, we shall find that, so far from being perfect, the necessary tendency of all governments based upon the will of an absolute majority, without constitutional check or limitation of power, is to faction, corruption, anarchy and despotism; and this whether the will of the majority be expressed directly through an assembly of the people themselves or by their representatives.”

It has been said that the framers of the Constitution, by providing for the selection of United States Senators by the legislatures of the States, showed a mistrust of the people. If mistrust of the people means that they were opposed to a government based simply on the rule of the majority, without Constitutional check or limitation of power, such as the pure democracies of

the Grecian states, the charge is true. The men who framed the Constitution of the United States had a genius for constitution-making, such as has been possessed by no other age of the world. They were profound students of history, ancient and modern. They were free from party bias, passion and prejudice. They had accomplished successfully a great revolution against the greatest military and naval power of the age. They were of English stock, but bred under new conditions; they had inherited as their birthright a love of liberty and a hatred of oppression. History had taught them that no government which was based on the absolute rule of the numerical majority, without Constitutional limitations on power, whether the action of that government was expressed by the people acting *en masse* or by representation, had ever lasted a single generation. They were laying the foundations of a government to endure for all time, a government of laws, and not of men. It has been truly said that no body of men ever gathered together in history had a sublimer trust in the wisdom and the eternal capacity of the people for self-government. "It was the immediate action of the people they deprecated. It was final and absolute self-control and self-government which they ordained and secured."

But it is seriously claimed that the legislatures of the States are too often composed of men without experience and training, with little knowledge of national affairs, and therefore incompetent to make wise selections—too often swayed by the arts of the demagogue—obeying the behests of party bosses and machine politicians, dominated by corporate power or the selfish greed of special interests, often corrupt and therefore unfit to exercise so important a function as the selection of a United States Senator.

If this indictment were true, it would be a confession that the people were incapable of self-government. The members of the legislatures of the different States are the agents and direct representatives of the people, and if it be true that as a whole they are incompetent, unworthy and corrupt, it would follow that the masses of the people from whom they spring, and from whom they are selected, were also either corrupt or criminally indifferent to their interests and liberties.

It is not true that the men who represent the sovereignty of the States, who make the laws that protect us in our lives and

property and most sacred interests, who collect and disburse our taxes, and frame our civil and criminal laws, are corrupt and unworthy. There may be isolated cases where members of the legislature have betrayed the interests of the people, but the great mass of the legislatures of the forty-six States of the Union have been the picked and chosen men of the communities from which they come, and have been "honest, wise, faithful and just." The statute-books of these forty-six commonwealths are without a stain and are replete with wise and beneficent laws, under which the States have grown into great and powerful commonwealths. It was a great statesman, from whose lips words of idle praise never fell, who said: "The statute-books of these commonwealths can be read by the patriot without a blush. I am not afraid to compare them with the two hundred and fifty parliaments through which for eight hundred years the freedom of England has broadened slowly down from precedent to precedent."

The member of the legislature, when he casts his vote for a Senator, acts under the solemn responsibility of his oath of office, in the exercise of an important official duty. As a rule, he endeavors to select that candidate who by reason of experience, public service or acknowledged ability, is most fit to be elected to this exalted station. That the selections have been wise is conclusively shown by the high character which the Senate, for over a hundred years, has sustained for ability and statesmanship. If, however, the method now proposed be adopted, it would necessarily result in substituting for a body of picked and selected men, acting under the responsibility of their oath of office, party conventions and party primaries. Where the convention system prevails this important function would be performed by a body of men who act under no sense of responsibility or oath of office, who are selected only for a day and who frequently owe their seats as delegates not so much to merit and capacity as to party zeal and service. What has been the result where the direct primary election system has prevailed? That system has made money the most potent factor and wealth the recognized touchstone of political success. It has made knowledge of the science of government, statesmanship and oratory of less importance than skill in the arts of political management and organization. Compare those who have won the Senatorial

prize under this system with those who were elected by the Constitutional method, and there can be but one answer.

The election of Senators by popular vote would secure to the larger cities and masses of population an undue influence and preponderance and would substitute pluralities for majorities. Such a radical change in one of the great departments of the Government would soon spread to the entire system. The reasons which demand it, when carried to their logical conclusion, would lead to the election by direct popular vote and by popular majorities of the President, Vice-President and the entire Federal judiciary. The next step that would inevitably follow would be the placing of all elections under national control, with the result that the rights of the States would be overthrown and a consolidated government erected on the ruins of our beautiful Federal system.*

In the better days of the Republic, before the mad passion for wealth and business success had seared the public conscience, such a proposition as is embodied in this demand for the election of Senators by popular vote, would have aroused a storm of discussion and debate. Yet to-day we see a great political party, which has ever claimed to be the loyal defender of the Constitution, incorporating, without debate, into its platform a demand which had its origin in the wild vagaries of Populism. So firmly has this Populistic doctrine become embedded in the Democratic creed that its recognized leaders accept and proclaim it as one of the most important articles of the Democratic faith.

It is nevertheless amazing that the Democracy of the South should join in this demand. At the close of the Civil War, when measures were pending in Congress which threatened to destroy her civilization and degrade and humiliate her people, with the civil rights and force bills about to be enacted, and the residuary rights of the States about to be overthrown, the South had no more loyal defenders than that small minority of Democrats in the Senate who, undismayed by the mad passions of the hour, stood at their post of duty and successfully arrested

* While this article was in preparation, on the 23rd of May, Senator Owen of Oklahoma offered in the Senate a joint resolution (number 91) providing for an Amendment to the Constitution to elect United States Senators by a direct popular vote. Mr. Depew of New York offered an amendment, *providing that all elections for Senators and Representatives shall be placed under national control, and that the qualifications of each voter shall be uniform throughout the United States.*

the tide of centralization which was about to submerge our institutions. The people of the United States can look back over a history resplendent for great achievements, but they can point to none with more pride than to the achievements of the Senate. In that arena has been fought and won the great battles of Constitutional liberty. There Webster and Hayne met in that great debate, on the issues of which the whole Republic hung with breathless interest. There Clay, the great Pacificator, introduced that compromise which stayed for years the conflict between the sections. There Webster delivered his great argument on the Constitution, with such convincing force, such sustained power of eloquence, such profound wealth of information and dramatic effect, that the occupants of the galleries, braving the rules of the Senate, rose *en masse* and proclaimed him the Defender of the Constitution. There Calhoun, with a knowledge of the philosophy and purposes of government never surpassed, with that deep learning, that wonderful power of analysis which enabled him to resolve the most complex subject into its component parts, and to erect thereon arguments which were unassailable, met and overthrew all the brilliant array of talent which the administration had mustered against him; and there he was borne in his dying hours, his great heart overcoming the frailties of his body, to make one last effort to stay the conflict which, with prophetic eye, he saw was almost inevitable. And when the great Constitutional debates which had been waged in that body for over a half century were referred to the arbitrament of arms, and when at the close of the conflict the tendencies of the time were rushing the Government upon the breakers of consolidation, there still stood in the Senate a small remnant of that great party which had for so many years controlled the destinies of the Republic and battled successfully for the preservation of our institutions. When the Amendments resulting from the war were being so framed as to transfer to the General Government the control of the suffrage and elections, it was that small minority of Democratic Senators who, though without power to defeat the Amendments, did control their form and prevented the delegation to the National Government of powers which had always been exercised by the States.

There George delivered that great speech in defence of the rights of the States to regulate and control the suffrage, which

was so logical and conclusive, so fortified by learning and argument and authority as to mark an era in constitutional history. It was there that the chivalric Lamar refused to obey the orders of the popular majority in his own State to vote contrary to his judgment on the silver question. There, recently, Alabama's two venerable Senators, believing that the rights of the States were being imperilled by Federal encroachments, defying the storm of popular sentiment which had swept over their own State as well as the country, cast two of the three votes recorded against the Hepburn Rate Bill.

For over a hundred years, amid all the storms of party passion, the rivalry and struggles of sections, the clamor of fanatical agitation, the Senate has maintained its distinctive features, calm, dignified, patriotic yet considerate, firm but not precipitate, constituting, as was designed by the Fathers of the Constitution, a model second chamber, interposing that delay which furnished time for reflection and deliberation, checking the evil effects of sudden and strong excitement and of precipitate measures, and protecting the country against the dangers and confusion which arise from the enactment of laws which did not reflect the calm judgment of the people but the temporary and transient folly or madness of the hour, and maintaining unimpaired the rights of the States and of the National Government. If the proposed change were effected, the division of the Congress into two branches would prove of no intrinsic value, for, elected by the same methods, influenced by the same motives, they would both but duplicate all the evils and dangers of a single legislative body.

It is time that all who love our free institutions should array themselves in opposition to a change which, whether effected by Constitutional method or party usage or custom, "will result in the overthrow of the whole scheme of the Senate, and in the end of the whole scheme of the National Constitution as designed and established by the framers of the Constitution and the people who adopted it."

EMMET O'NEAL.